

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:12-cr-150
	:	
vs.	:	Judge Timothy S. Black
	:	
KEVIN TODD,	:	
	:	
Defendant.	:	

**NOTICE OF CHANGE OF PLEA HEARING**

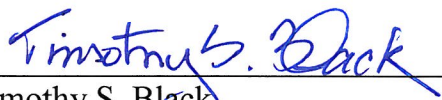
This criminal case is before the Court on Defendant's Motion to Withdraw Not Guilty Pleas and to Schedule a Plea Hearing. (Doc. 23). Based on Defendant's Motion, the Court **VACATES** the trial previously set for February 19, 2013 and sets a change of plea hearing on February 14, 2013 at 9:30 a.m. in Dayton Courtroom #3.

"A notice of change of plea is a motion requiring a hearing, and as a result, the time from the filing of the notice of hearing through the conclusion of the plea hearing is excludable" from speedy trial calculation. *United States v. Moss*, 211 F.3d 1271 (6th Cir. 2000) (citing *United States v. Jenkins*, 92 F.3d 430, 440 (6th Cir. 1996) (stating that "defendant's notice of intent to change plea tolls clock")); *see also United States v. Mentz*, 840 F.2d 315, 330-32 (6th Cir. 1988); *Coviello v. United States*, 287 Fed. Appx. 503, 507 (6th Cir. 2008); *United States v. Beals*, 755 F.Supp.2d 757, 763 (S.D. Miss. Nov. 8, 2010) (stating that "[a] change of plea is treated like a motion for Speedy Trial Act purposes, and since a hearing is required for the court to take a change of plea, the speedy trial clock is tolled from the date the court is notified of the change of plea at least until the date of the hearing").

Accordingly, the time between February 1, 2013 and February 14, 2013 is excluded from the time period set forth in 18 U.S.C. § 3161 within which the United States must bring Defendant to trial.

**IT IS SO ORDERED.**

Date: 2/6/2013

  
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Timothy S. Black  
United States District Judge